

0-10-10

ORDINANCE NO. _____

AN ORDINANCE REVOKING THE CONDITIONAL USE FOR PROPERTY LOCATED AT 1222 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK; REVOKING THE BUSINESS LICENSE OF THE BUSINESS OWNER/OPERATOR AT SAID LOCATION; TERMINATING ELECTRICAL SERVICES TO THE BUSINESS LOCATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application by Mr. Les Saville seeking a conditional use of certain property located at 1222 East Broadway for a car sales lot in a C-4 zone was granted pursuant to Ordinance No. 8204 adopted on September 28, 2009; and

WHEREAS, the applicant/owner of the car sales lot also spoke to City Council at its meeting on September 28, 2009 and advised that he wanted to relocate his car lot from one corner to another, stating that he had issues with code enforcement and with theft and vandalism at his present location and that the new location (1222 East Broadway) had a fence which might be a deterrent (see page 4 of minutes for the September 28, 2009 Council meeting attached hereto as Exhibit "A"); and

WHEREAS, the conditional use was granted subject to the following conditions:

- (a) Applicant must meet all applicable Federal, State, County and City requirements;
- (b) No loading or unloading of vehicles in the public right-of-way;
- (c) Provide four (4) trees along East Broadway with an irrigation plan;
- (d) Hours of operation to be 7:00 AM to 8:00 PM.;
- (e) No wrecked or inoperable vehicles to be stored outside;
- (f) Maintain a clean and orderly lot at all times;
- (g) Fence to be painted black;
- (h) All razor wire to be removed;
- (i) Fence along south property line to be opaque;
- (j) A business license will not be issued until the North Little Rock Planning Department has confirmed all requirements have been met;

and

WHEREAS, the applicant/owner of the car sales lot has failed to meet the conditions as outlined above, specifically items (e) and (f) (see photographs attached hereto as Exhibit "B"), and it is in the best interests of the City and its residents that the conditional use of the property be revoked, that the business license of the applicant/owner be revoked; and that electrical services to the business location be terminated; and

WHEREAS, a hearing on this matter has been set for 7:05 p.m. on February 22, 2010 in order to allow for service of the notice (attached hereto as Exhibit "C" and

incorporated herein by reference) upon the applicant/owner by U. S. Mail and personal service.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the conditional use allowing a car sales lot in a C-4 zone for certain real property located at 1222 East Broadway in the City of North Little Rock, Pulaski County, Arkansas, is hereby revoked.

SECTION 2: That after notice of the applicant/owner, Mr. Les Saville, a public hearing was held at 7:05 p.m. on February 22, 2010 for the purpose of considering revocation of his business license for the subject location, and the City Council finds that it is in the best interests in the City and its residents that the business license held by Mr. Saville be revoked.

SECTION 3: That after said public hearing, the City Council additionally finds that all business operations of Mr. Les Saville should cease immediately at 1222 East Broadway and further finds that electrical service to said business be terminated forthwith.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provisions shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that revocation of the conditional use, revocation of business license and termination of electrical service for the above-described land as provided for herein is immediately necessary in order to insure the proper and orderly growth of this land and of the City of North Little Rock, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSORS:

ATTEST:


Alderman Maurice Taylor *MC*

Diane Whitbey, City Clerk


Alderman Linda Robinson *LR*

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:30 A.M. P.M.

BY City Atty Carter

DATE 02-02-10
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED by a Hodge